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CONSTITUTIONAL LAW—COMPULSORY SERVICE ON HIGHWAYS.—Plaintiff in error had been convicted in Florida for violation of a statute requiring of each able-bodied citizen of certain ages, six days work on the highway, with the alternative of paying three dollars to the county treasurer. Plaintiff contended that this statute imposed involuntary servitude upon him contrary to the thirteenth amendment. The court, however, *held* that work upon the highway was part of the duty which one owes to the state. *Butler* v. *Perry*, 36 Sup. Ct. 258, affirming same in 67 Fla. 405, 66 So. 150.

The constitution secures to the individual liberty and freedom from involuntary servitude. But liberty is not absolute. It is enjoyed subject to government, which may limit its absolute character in order to secure to other members of the community the same liberty, or in order to perpetuate the government itself. Work upon public roads has from immemorial time been regarded as a necessary duty from the citizen to the state. It is no doubt a restriction upon liberty, but it is necessary to the existence of the government which protects the remainder of the liberties guaranteed. Services in the army and on juries is of a like character. The practice has been sustained by the cases. *In re Dassler*, 35 Kan. 678; *Dennis* v. *Simon*, 51 Oh. St. 233.

CONSTITUTIONAL LAW—EXTENSION OF TERM OF OFFICE BEYOND CONSTITUTIONAL LIMIT.—Quo warranto on the relation of Smallwood to try the title of Windom to the office of municipal judge of Duluth, relator claiming title by appointment and respondent by virtue of a hold-over provision of the municipal court act. Windom was elected to the office in February, 1912, for a term of three years. In 1913 the legislature extended the term of the office to four years, providing for an election in April, 1915, and further providing that the then incumbent should continue in office until the election and qualification of his successor. At this election Smallwood won over Windom but the preferential system of voting used was held unconstitutional in *Brown* v. *Smallwood*, 130 Minn. 492, 153 N. W. 953, 14 MICH. LAW REV. 74. Shortly afterward the Governor appointed Smallwood on the theory that the office was vacant. The Constitution limited the term of office of a municipal judge to seven years. If Windom were allowed to hold over as he claimed, his term would extend beyond that fixed by the Constitution, and he would serve seven years and two months. The question was whether the hold-over provision, providing for a term in excess of the constitutional period, was altogether void or void only as to the excess. *Held*, that the hold-over provision was unconstitutional so that the whole term created by it ceased to exist. *State ex rel. Smallwood* v. *Windom*, (Minn. 1916) 155 N. W. 629.

It seems quite clear that the legislature cannot extend an office beyond the constitutional term by a hold-over provision. *State* v. *Clark*, 87 Conn. 537; *Commonwealth* v. *Sheatz*, 228 Pa. 301, 77 Atl. 547. Yet where the legislature has created a longer term than the Constitution allows, the baffling question is whether the term is wholly void or void only as to the excess. In the instant case the majority of the court held that the provision for holding over was unconstitutional, and that the defeasible term which it created fell with it. HAL-